

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

TAMMY R. SCARBOROUGH

PLAINTIFF

V.

NO. 3:05CV00219 JMM

LARRY MILLS, et al

DEFENDANTS

ORDER

On August 7, 2006, Defendants filed a motion to dismiss Plaintiff's 42 U.S.C. § 1983 complaint in its entirety with prejudice (docket entry #47). On August 15, 2006, Defendants amended their motion (docket entry #48) as they did again on August 21, 2006 (docket entry #50). Attached to Defendants' motions is a letter dated July 1, 2006, from Plaintiff to Defendant Mills (see docket entries #47, #48 & #50, Exhs. A). In this letter Plaintiff states that she wishes to drop this lawsuit provided that Defendants put in writing that she will not be responsible for their attorneys' fees. On July 27, 2006, Defendants mailed Plaintiff a joint motion to dismiss which she returned without signature. On July 30, 2006, Plaintiff responded to Defendants' proposed joint motion to dismiss and objected to any dismissal being taken with prejudice. She also reiterated her previous wishes to drop this lawsuit provided that Defendants put in writing that she will not be responsible for their attorneys' fees (see docket entries #47, #48 & #50, Exhs. B). Defendants have honored Plaintiff's request and have stated in writing that she will not be responsible for their attorneys' fees (see docket entry #50).

It is clear that Plaintiff wishes to voluntarily dismiss this action; therefore, the Court finds that no reason exists to deny her request. Defendants' motions to dismiss (docket entries #47, #48 & #50) are hereby GRANTED. However, judgment will be entered dismissing Plaintiff's complaint without prejudice to refiling.

Plaintiff is advised that she is neither responsible nor liable for payment of any portion of Defendants' attorneys' fees.

Any remaining pending motions are DENIED AS MOOT.

The evidentiary hearing set for September 8, 2006, is cancelled.

IT IS SO ORDERED this 23 day of August, 2006.


UNITED STATES DISTRICT JUDGE